

# One Page on Why Local Cable Television Franchising Works

Constance Ledoux Book, Ph.D.

Elon University

Statement: Local cable franchising doesn't work.

Response: In fact, local cable franchising is one of the least litigious and most productive communications industry/government processes in the United States. In the last 15 years over 11,000 unique cable franchises were negotiated in the United States with only a handful of those leading to any legal action and not a single case going to the Supreme Court. This exercise in meeting local public interests is more successful than any of the FCC's public interest regulatory initiatives. The FCC should herald the local cable television process as public interest policy that works. Local cable franchising success is rooted in the commitment of the cable industry and local franchising authorities to informally negotiate and compromise when needed. The process of negotiations is not always easy, but ultimately leads to agreements that reflect local interests and needs. One only has to look at basic cable channel line-ups across America to see the richness of our diverse population. With channels dedicated to local government meetings, school news, community productions and a diverse range of religious and cultural programs, local interests are visually present in cable television programming creating more active democracies and empowered citizens. Is local cable franchising difficult? Sometimes. Does it work? All the time. Last time I checked 99% of homes were passed by cable.

Statement: Telephone companies should be able to bypass local cable franchising because it takes too long to work with municipalities (LFA's) to negotiate a franchise agreement.

Response: The Cable Act of 1984 created a three year process for cable television franchising-- not municipalities. The local franchising authorities and cable companies are only using the time frame established by the federal government. There's a lot of work in identifying local needs and interests as they relate to cable television. Any community that has spent a good deal of time working to assess these local needs during cable franchise renewal would find it difficult to work with a company that brought a franchise agreement to the table that was a cookie cutter from some other community. That said, everyone can appreciate the telcos eagerness to do business. How about using existing cable franchises negotiated in the last 36 months as the basis for new telco franchises and a new time frame established for all other franchise agreements of 9 months? All LFAs desire competition because of the opportunities it brings to their communities. LFAs will be eager to franchise new providers who take a vested interest in serving their communities.

Statement: State or federal cable franchising would work just as well.

Response: For whom? Ultimately, both of these processes would limit the number of empowered voices in the local cable franchising process. Why limit the number of voices when local cable franchising is successful? If the issue is faster franchises for telcos, don't dismantle a cable franchising system that works to appease a short term problem. Instead, change the federal time table and create a new one that balances local interest with business interests.

Statement: Americans want a la carte, somebody better step-up and provide a la carte.

Response: How did this issue get tied to local cable franchising? But since it is, let the marketplace do its job. Experiences with overbuilders such as RCN and Knology suggest that to be competitive, telcos will HAVE to address consumers' chief complaints with cable television-- the service costs too much and more package options. The marketplace will do its job. Don't sell out local cable television franchising to meet this objective.